

## Notice of Allowability

Application No.

10/626,079

Examiner

Patrick F. Brinson

Applicant(s)

LOMBARI ET AL.

Art Unit

3754

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 18, 2006.
2. ☒ The allowed claim(s) is/are 1-14, 16-20, 22-29 and 31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 5/3/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's attorney, **Ms. Valarie B. Rosen** on Wednesday, May 24, 2006.

The application has been amended as follows:

In the Specification:

Page 5, line 25, after "in", delete---**notches**---, insert---**grooves**---, page 6, line 16 after "through", delete---**slots**---, insert---**notches**---, line 17 after "two", delete---**slots**---, insert---**notches**---, line 21, after "through the", delete---**slots**---, insert---**notches**---, page 7, line 16, first word, delete---**slots**---, insert---**notches**---, after "through the", delete---**slots**---, insert---**notches**, line 17, after "tube 4.", insert---

**That is, given two portions of water entering the space between the diaphragm and the tube, substantially all of the first portion exits the tank before a substantial amount of the second portion exits the tank, even though the second portion may enter the space before a substantial amount of the first portion leaves the tank.---**

In the Claims:

Claim 1, line 9 after “wherein”, delete---**one or**---

Claim 9, page 4, line 6, after “wherein” delete---**one or**---, after “ends”, delete--  
-has---, insert---**have**---, line 7 after “diaphragm”, insert---**wherein the notch is**  
**open to the end of the tube**---

Claim 17, line 8, after “respectively”, insert---**wherein the flow-through**  
**assembly comprises first and second collars sealingly connected to the first**  
**and second domes, respectively and a tube retained between the first and**  
**second collars and having two ends, wherein both ends have a notch providing**  
**fluidic communication between an interior of the tube and an interior of the**  
**diaphragm, wherein the notch is open to the end of the tube**---, line 14, after  
“via the”, delete---**second**---, insert---**outlet**---, line 15, after “end”, delete---**of the**  
**tube**---

**Cancel claim 21,**

Claim 22, line 1, delete---**21**---, insert---**17**---

Claim 24, line 1, delete---**21**---, insert---**17**---


Claim 25, line 1, delete---**21**---, insert---**17**---

Claim 27, line 3, after “ends,”, delete---**at least one**---, insert---**each**---

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kevin P. Shaver** can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patrick F. Brinson  
Primary Examiner  
Art Unit 3754

Application/Control Number: 10/626,079

Page 5

Art Unit: 3754

P. F. Brinson

May 24, 2006